

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:22-CR-00011-MOC-WCM

UNITED STATES OF AMERICA)	
)	
v.)	ORDER
)	
KATIE JEANNE JOHNSON,)	
)	
Defendant.)	
_____)	

This matter is before the Court on Defendant’s Unopposed Motion to Seal Unredacted Joint Request for Transportation and to Dismiss Petition (the “Motion to Seal”), Doc. 30, and a Joint Request for Transportation of Defendant for Hearing on Motion to Dismiss Supervised Release Petition (the “Joint Request for Transportation”), Doc. 31.

I. The Joint Request for Transportation¹

The Joint Request for Transportation asks the Court to enter an Order that denies a recommendation by the Bureau of Prisons (“BOP”) that Defendant be committed for an additional 120 days, directs that Defendant be returned to this district for a hearing on “the parties’ joint motion to dismiss the petition,” and dismisses the pending petition, which alleges that Defendant has violated the terms and conditions of her supervised release. With regard

¹ The Joint Request for Transportation has been filed by defense counsel but requests relief on behalf of both parties.

to timing, the Joint Request for Transportation asks that Defendant be returned to this district before any order of dismissal is entered and before Defendant is released.

For the reasons stated in the Joint Request for Transportation, the undersigned will direct the United States Marshals Service (“USMS”) to return Defendant to this district. The USMS has advised the undersigned’s chambers that Defendant’s transport is estimated to take approximately two to six weeks. The Court will not set a specific deadline by which Defendant must arrive in this district. However, noting the circumstances of this matter, including that it appears the parties will be requesting the dismissal of the pending charges against Defendant and seeking her immediate release thereafter, the undersigned will encourage the USMS to transport Defendant as promptly as is reasonably possible.

Further in view of the circumstances, including that Defendant will now be transported but that her specific arrival date is unknown, the hearing currently set for December 20, 2023 will be canceled and the BOP’s recommendation that Defendant be committed for an additional period will be held in abeyance pending Defendant’s return to this district.

In addition, although the Joint Request for Transportation references a joint motion to dismiss, a specific filing of that nature has not been made.

II. The Motion to Seal

By the Motion to Seal, Defendant requests that an unredacted copy of the Joint Request for Transportation, which appears on the docket as Doc. 32, be sealed.

In evaluating a motion to seal, the Court must “(1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives.” Ashcraft v. Conoco, Inc., 218 F.3d 288, 302 (4th Cir. 2000); see also LCrR 49.1.1.

The Motion to Seal has been on the public docket since December 4, 2023. However, a redacted copy of the Joint Request for Transportation appears on the public docket as Doc. 31. The redacted material primarily pertains to Defendant’s personal medical and psychological information, and the undersigned finds that sealing is appropriate.

IT IS THEREFORE ORDERED THAT:

1. The Joint Request for Transportation of Defendant for Hearing on Motion to Dismiss Supervised Release Petition (Doc. 31) is **GRANTED IN PART** as follows:

- a. To the extent the BOP recommends that Defendant be committed for an additional period of 120 days, that recommendation is **HELD IN ABEYANCE** pending Defendant's return to this district.
- b. To the extent the parties request that Defendant be transported to this district, that request is **GRANTED**, and the United States Marshals Service is **RESPECTFULLY DIRECTED** to transport Defendant from the facility where she is currently housed back to this district forthwith.
- c. The evidentiary hearing previously scheduled for December 20, 2023 is **CANCELED**.
- d. To ensure clarity of the record, an appropriate Motion to Dismiss **SHALL BE FILED** either by the Government unilaterally or by the parties jointly on or before **December 15, 2023**. Any response to such a motion, or any other filings relevant to the current posture of this matter, shall be filed on or before **December 22, 2023**.

2. Defendant's Unopposed Motion to Seal Unredacted Joint Request for Transportation and to Dismiss Petition (Doc. 30) is **GRANTED** and the unredacted copy of the Joint Request for Transportation (Doc. 32) is **SEALED** until further Order of the Court.

Signed: December 8, 2023

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

